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December 4, 2019

VIA EMAIL(82111-88733266@requests.muckrock.com)

Russel Neiss  
c/o MuckRock News  
DEPT MR 80280  
411A Highland Avenue  
Somerville, MA 02144-2516

RE: Rhode Island Access to Public Records Act Request: NeverAgainIsNow Action - Rhode Island 8/14/2019

Dear Mr. Neiss:

As you are aware, this firm serves as legal counsel to the Central Falls Detention Facility Corporation ("CFDFC"). This letter will serve as the response to your Access to Public Records Act (the "Act") request dated October 23, 2019 and received October 24, 2019. You submitted the following request:

Copies of any incident reports, logbook entry copies, background support documentation, witness statements, use of force reports, investigation materials, or related correspondence drafted on August 14, 2019 or August 15, 2019 relating to the widely reported protest at the David W. Wyatt Detention Facility on the evening of August 14, 2019.

The intent of the Access to Public Records Act is found in Rhode Island General Laws which states:

38-2-1. *Purpose – The public's right to access to public records and the individual's right to dignity and privacy are both recognized to be principles of the utmost importance in a free society. The purpose of this chapter is to facilitate public access to public records. It is also the intent of this chapter to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.*

The Act exempts from disclosure "other personal individually identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et

seq.” See § 38-2-2(4)(A)(I)(b). Furthermore, § 38-2-2(4)(F) exempts from disclosure “[s]cientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.”

The CFDFC is disclosing the requested records in redacted form. The redactions made were of (1) information that could specifically identify an individual, *see Direct Action for Rights & Equal. v. Gannon*, 819 A.2d 651, 663 (R.I. 2003); *Bernard v. Vose*, 730 A.2d 30, 32 (R.I. 1999); *Town of Portsmouth v. Rhode Island Department of Public Safety*, 2015 R.I. AG LEXIS 75, \*5-6 (“the Rhode Island Supreme Court has held that names of police officers may be redacted and are exempt from public disclosure even when the rest of the record is public.”), or (2) details of the CFDFC’s security and response plans. See § 38-2-2(4)(F).

You may appeal this decision in accordance with Rhode Island General Laws § 38-2-8.

Very truly yours,

  
Patrick J. McBurney

Enclosure

cc: Warden Martin